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Serial No. 09/740,372
Attorney Docket No. 00137

REMARKS

In response to the non-final Office Action mailed May 16, 2003, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

In the Office Action, claims 1-25 were rejected. More specifically,

- Claims 1, 3-4, 6-7, 14-16, 18 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,505,046 ("Baker") in view of U.S. Patent 6,449,497 ("Kirbas");
- Claims 2, 5, 8-12, 17 and 19-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Baker in view of Kirbas and U.S. Patent 6,484,148 ("Boyd"); and
- Claims 13 and 24 were rejected under 35 U.S.C. § 103(a) as being obvious over Baker in view of Kirbas and U.S. Patent 5,852,775 ("Hidary")

For the reasons set forth hereinbelow, Applicants respectfully request that the rejections associated with the pending claims be withdrawn.

Claims 1-15

Applicants submit that independent claim 1 is nonobvious over Baker in view of Kirbas because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. See MPEP § 2143 (stating that one of the elements of a *prima facie* case of obviousness under § 103(a) is that the cited references must teach or suggest every limitation of the claimed invention). More specifically, Applicants submit that the cited references fail to disclose, teach or suggest, among other things, "transferring the first information about the first location of the user to a third party without disclosing the identity of the user to the third party" as recited in claim 1.

Applicants submit that Baker, referring to column 7, lines 12-20 thereof, only obtains the identity of a user operating a wireless communication device when the user originates a mobile message (SMS) to a retailer. In addition, Applicants note that Baker, at column 4, lines 26-29 and 44-47 thereof, merely discloses that an outlet telephone number field in a message transmitted from a retailer to a mobile subscriber can be turned off and on by the retailer - **not** by the mobile subscriber. Thus, Applicants agree with the Examiner's determination that Baker does not teach "transferring the first information about the first location of the user to a third party without disclosing the identity of the user to the third party" (referred to in the Office Action as an identity-blocking service) as recited in claim 1.

With respect to Kirbas, Applicants submit that Kirbas, referring to the Abstract thereof, merely discloses caller identification blocking (i.e., a feature that allows a calling party to prevent the calling number from being displayed on Caller ID equipment of the called party) - **not** "transferring the first information about the first location of the user to a third party without disclosing the identity of the user to the third party" as recited in claim 1. Therefore, Applicants submit that the combination of Baker and Kirbas fails to disclose, teach or suggest "transferring the first information about the first location of the user to a third party without disclosing the identity of the user to the third party" as recited in claim 1.

Thus, Applicants submit that claim 1 is nonobvious over the combination of Baker and Kirbas because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. Applicants further submit that claims 2-14, which depend from independent claim 1, are also nonobvious over the references of record. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious).

Applicants also submit that claims 2-14 are nonobvious over the references of record for

additional reasons. For example, Applicants also submit that the references of record, either alone or in combination, fail to teach, among other things, “allowing the user to unblock disclosure of the identity of the user to the third party” as recited in claim 14. With respect to Baker, the Examiner has correctly determined that Baker does not teach providing an identity-blocking service. Thus, Applicants submit that Baker fails to teach unblocking such a service. With respect to Kirbas, Applicants submit that Kirbas is silent as to “allowing the user to unblock disclosure of the identity of the user to the third party” as recited in claim 14. Therefore, Applicants submit that the combination of Baker and Kirbas fails to disclose, teach, or suggest “allowing the user to unblock disclosure of the identity of the user to the third party” as recited in claim 14.

Accordingly, Applicants respectfully request that the §103 rejections associated with claims 1-15 be withdrawn.

Claims 16-25

Applicants submit that independent claim 16 is nonobvious over Baker in view of Kirbas because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 1. *See* MPEP § 2143 *id.* More specifically, Applicants submit that the cited references fail to disclose, teach or suggest, among other things, “transmitting the information about the location of the user to a subscriber desirous of sending an advertisement to the wireless communication device, wherein the transmission of the information about the location of the user **excludes** disclosure of the identity of the user” as recited in claim 16.

For reasons similar to those set forth hereinabove with respect to claim 1, Applicants submit that the combination of Baker and Kirbas also fails to teach or suggest “transmitting the information about the location of the user to a subscriber desirous of sending an advertisement to the wireless

communication device, wherein the transmission of the information about the location of the user **excludes** disclosure of the identity of the user” as recited in claim 16.

Thus, Applicants submit that claim 16 is nonobvious over the combination of Baker and Kirbas because the cited references, either alone or in combination, fail to teach or suggest each and every element of claim 16. Applicants further submit that claims 17-25, which depend from independent claim 16, are also nonobvious over the references of record. *See* MPEP §2143.03 *id.*

Applicants also submit that claims 17-25 are nonobvious over the references of record for additional reasons. For example, Applicants also submit that the references of record, either alone or in combination, fail to teach, among other things, “allowing the user to unblock over the Internet the disclosure of the identity of the user to the subscriber” as recited in claim 25. With respect to Baker, the Examiner has correctly determined that Baker does not teach providing an identity-blocking service. Thus, Applicants submit that Baker fails to teach allowing the unblocking of the identity of the user. With respect to Kirbas, Applicants submit that Kirbas is silent as to “allowing the user to unblock over the Internet the disclosure of the identity of the user to the subscriber” as recited in claim 25. Therefore, Applicants submit that the combination of Baker and Kirbas fails to disclose, teach, or suggest “allowing the user to unblock over the Internet the disclosure of the identity of the user to the subscriber” as recited in claim 25.


Accordingly, Applicants respectfully request that the §103 rejections associated with claims 16-25 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice Of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

Date: August 15, 2003


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